

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
SEPTEMBER 16, 1964

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, September 16, 1964, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - CULBERTSON, DOW, KIRSTEN,
WALTON and BROWN(Mayor)

Absent: Councilmen - None

Also present were City Manager Graves, Administrative Assistant Peterson and City Attorney Mullen.

MINUTES

Minutes of September 2, 1964 were approved as written and mailed on motion of Councilman Culbertson, Dow second, after correcting paragraph entitled "Specs - Ham Lane btwn Vine and Cardinal" by changing the word "north" to "south" in the eighth line.

PLANNING COMMISSION

Mr. Graves reported the following actions of the Planning Commission taken at its meeting of September 14:

1. Continued for a 90-day period the hearing on the request of Dr. Milo Mehlhaff for a change in zoning from the R-1 one-family residential zone to the C-1 neighborhood-commercial zone for the property at the northwest corner of Ham Lane and Lodi Avenue pending completion of a study of the entire Lodi Avenue area.
2. Granted a use permit to Mr. Irvin Bender to establish a subdivision sales office at 733 West Turner Road in the Lakewood Subdivision.

PUBLIC HEARINGS

AUGUST ACKEL
RE NORTHRIDGE
MILLS PROPERTY
DEVELOPMENT

Mr. August Ackel, Stockton Street and Turner Road, addressed the Council concerning a building he proposes to build on the south end of the property (Northridge Mills) located on the southwest corner of Turner Road and Stockton Street. He said the City is asking him to pay \$675 per acre as required by Resolution No. 2743 to provide for storm drainage facilities. According to Mr. Ackel the storm drainage lines are already installed in his property and he therefore wanted clarification of Resolution No. 2743. He also said the City is requesting a 10-foot right of way and installation of curb, gutter and sidewalk along Stockton Street in front of the area being developed.

City Manager Graves made a sketch of the property on the blackboard, showing where the present buildings are located and the area on the south end of the property which Mr. Ackel intends to improve. He said the \$675 acreage fee was an average which had been fixed by the City to cover storm drainage and fire protection for all-non-residential development. Councilman Dow said the acreage charge was for the privilege of using the storm drain facilities located within the City. Councilman Walton questioned the meaning of the word "extensions" in the resolution,

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his feeling being that if the existing system is adequate, no service is being extended. Councilman Culbertson stated that if more water goes into the City system, service is being extended.

Mr. Ackel stated the property had drainage within the property and it had been developed prior to his purchasing it. He therefore felt the resolution should not apply to this property. He contended that Holz Rubber Company and Heillite Trailers did not have to pay acreage charges. Mr. Graves said that Holz Rubber Company property was developed prior to present policy, but since the time the policy has been in effect all developments should have been charged in order to be consistent.

Mr. Ackel said time was of the essence and he would be willing to compromise by dedicating the 10-foot right of way and installing curb, gutter and sidewalk, but that he did not want to go along with the acreage fee; there are already five catchbasins on his property. Councilman Culbertson asked if the whole area had been prepared for drainage and Mr. Ackel answered that it had and that at one time the portion on which he wants to put his building was used for washing barrels. Councilman Culbertson then stated that the question hinged on whether or not this was improved property. Councilman Walton asked if the present drainage system was adequate. Director of Public Works Shelley Jones answered that Mr. Ackel had requested a storm drainage tap and he assumed some of the water from the proposed parking lot would go into the street. Mr. Victor Meyer, engineer for Mr. Ackel, said that all storm water from this property is presently drained into City sewers. Mr. Graves said this was a unique situation and that the administration had given its best interpretation. The major problem was setting policy and then giving administrative personnel instructions.

Councilman Culbertson repeated that the question hinges on the delicate decision of whether or not the property is improved property. Evidently it had been oiled and prepared for storm drainage at one time. Stating that he felt the administration had acted correctly, but that the facts presented made a difference, Councilman Culbertson moved that Mr. Ackel's request for a building permit be approved without being subject to payment of the storm drainage fee, but that Mr. Ackel be required to dedicate the 10-foot right of way along Stockton Street and install curb, gutter and sidewalk. His motion was seconded by Councilman Dow. Mr. Ackel then wanted to know if the City was going to widen Stockton Street and why Lawrence School had not been required to install curb, gutter and sidewalk. City Manager Graves said Stockton Street would eventually be widened as the property develops and that the Lawrence School was erected before the ordinance requiring street improvement was adopted. Mr. Ackel said he would be willing to put up a cash bond guaranteeing the curb, gutter and sidewalk would be put in when the street is widened. Councilman Culbertson said the City Manager was perturbed about interpretation of policy, but in this instance the vote was on the question of whether the property had been improved or not. City Manager Graves said that if the motion passes, the administration should have another to clarify the intent. Director of Public Works Jones stated that Mr. Ackel had asked for a

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storm drain tap. Mayor Brown said Mr. Ackel could put the storm water in his system. The motion then passed by the following vote:

AYES: Councilmen - CULBERTSON, DOW, WALTON
and BROWN

NOES: Councilmen - KIRSTEN

Mr. Graves said the administration needed guidance as to the Council's policy. He asked that the City Council put into the form of a motion the basis for its action in order that he could inform the various staff members of the manner in which future requests should be interpreted. Councilman Dow said the property was improved, had an existing storm drainage system, and therefore the acreage fee did not apply. Mr. Victor Meyer wanted to know if improved property would be allowed to have a tap. Councilman Dow asked if the storm drain facilities on the Ackel property met present standards. The Public Works Director said they would not as they are not publicly maintained and that the City would not permit drains in easements when streets are nearby. He said Mr. Ackel is altering his property. Councilman Kirsten said he voted against the motion because Mr. Ackel admitted there would be some increase in the use of facilities and other people are charged for these facilities. Councilman Kirsten moved that the resolution fixing the acreage charge schedule be amended as follows: "Further resolved, by said City Council that the schedule given below is hereby adopted as the basis of charges to be made to the developer of property in the City of Lodi where utility services are required," the word "services" replacing the word "extensions" in the present resolution. The motion died for lack of a second. Councilman Culbertson said the present resolution states "utility extensions" which means the same as extension of service. He is of the opinion that there is no extension of service on the Ackel property as at one time it was fully developed and serviced by City lines.

DON FASZER RE
LA RUTH PARK

Mr. Don Faszer, 1505 Edgewood Drive, said he was having a problem with the development of LaRuth Park Subdivision since the grades established by the Public Works Department will require a 2-foot fill on the lots. This means they will need between 8 and 11,000 yards of soil. Mayor Brown said he felt the problem could be resolved between the Public Works Director and Victor Meyer, the subdivider's engineer. Mr. Faszer wanted to know how long it would take; that they wanted more information from the Public Works Department. Mr. Jones said that the grades had been set so that the street would drain in accordance with the City's drainage plans. He said when Mr. Don Morita (Mr. Faszer's representative) had come in, the Department had figured new grades involving pipe lines which meant an expense of \$1800 to the City and a reduction in cost to the subdivider of around \$800. No correspondence requesting information has been received from the subdividers. Mr. Meyer said part of the City's job is to determine an economical design for the subdivider. Mayor Brown reiterated that Mr. Meyer and Mr. Jones should get together to solve the problem. Mr. Graves said the City is responsible for the street grades, but was not supposed to do the engineering work for the subdivider.

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Mr. Meyer then brought up the question of Mr. Ackel's development, wanting a clarification of the right of way dedication and street improvements. Councilman Culbertson said it would save time to have such requests and controversies in writing for the Council. City Manager Graves said the administration has endeavored to work with people in an informal manner, but hereafter requests to the City should be in writing and dated. Councilman Walton felt it would be a good policy to have complaints submitted in writing to the City Manager the Friday before the agenda is sent out. Councilman Culbertson expressed agreement pointing out, however, that the Council was obliged to hear anyone at the meeting. Such people could express their views and then the Council could request that they put it in writing for further Council consideration.

COMMUNICATIONS

SISTER-CITY PROGRAM A bulletin was received from the League of California Cities notifying the Council of the special meeting on International Municipal Cooperation on Sunday, October 11, in connection with the Annual League Conference being held in Los Angeles and extending an invitation to the Council and members of the Sister-City Committee to attend.

LCC,CVD A notice was read from the City of Gustine that the next Central Valley Division meeting of the League will be held in that City on September 24, 1964.

REPORTS OF THE CITY MANAGER

CLAIMS Claims in the amount of \$79,084.36 were approved on motion of Councilman Dow, Culbertson second.

AWARD - A-1 BASIN STRUCTURES Bids received for the construction of A-1 Retention Basin Structures and Piping were as follows:

RES. NO. 2759 ADOPTED	D. A. Parrish & Son	\$26,673.70
	A. Teichert & Son	\$24,495.00
	Mountain States Const. Co.	\$18,692.00

City Manager Graves recommended that award be made to the low bidder. On motion of Councilman Dow, Walton second, the City Council adopted Resolution No. 2759 awarding the contract for the A-1 Retention Basin Structures and Piping to Mountain States Construction Company for \$18,692.00.

STADIUM CONCESSION CONTRACT RENEWAL Mr. Graves recommended renewal of the license agreement with Hires Bottling Company for the concession at the Stadium for a two-year period ending July 31, 1966. The High School had renewed its lease with Hires for the School games at the Stadium. Therefore it would be expedient for the City to do the same and have the contracts expire at the same time so that the call for bids by the School and the City could coincide. On motion of Councilman Dow, Walton second, the City Council approved the renewal agreement and authorized its execution by the Mayor.

ORDER - EASEMENT ABANDONED IN SALAS TRACT A recommendation for the abandonment of the south 2.5 feet of the 10-foot easement in Lot 7 of the Salas Tract was presented from the Director of Public Works and the Superintendent of Public Utilities. This portion of the easement is not now occupied by the City and the City has no present or prospective need for it. On motion of Councilman Kirsten, Dow second,

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the City Council adopted an Order abandoning the aforementioned portion of easement.

ORDER -
EASEMENT
ABANDONED
IN GLENHURST
PLACE #1

The Director of Public Works and the Superintendent of Utilities also recommended the abandonment of a 5-foot easement along the south line of Lots 10, 28 and 29 in Glenhurst Place Unit No. 1. This easement is not occupied by the City and in their opinion the City has no present or prospective need for it. On motion of Councilman Walton, Kirsten second, the City Council adopted an Order abandoning the easement along the south line of said lots.

PART-TIME
ENGINEERING
AIDE

The City Manager requested authorization to add a part-time engineering aide to the Public Works staff. His salary, which is not in the current budget, would amount to \$2,500 during the 1964-65 fiscal year. On motion of Councilman Culbertson, Walton second, the City Council authorized the hiring of a part-time engineering aide and the appropriation of \$2,500 from the Contingent Fund therefor.

CHEROKEE
LANE STOP
SIGNS
RES. NO. 2760
ADOPTED

Mr. Graves reported that since Cherokee Lane has been relinquished to the City by the State, the Council should authorize the erection of the stop signs along the street since they have no legal standing at present. On motion of Councilman Walton, Dow second, the City Council adopted Resolution No. 2760 designating Cherokee Lane as a through street with stop signs to be erected at certain intersecting streets.

CHEROKEE
LANE
SPEED LIMIT

ORD. NO. 773
INTRODUCED

Since Cherokee Lane is now under the jurisdiction of the City, Mr. Graves recommended that the Council establish a 35 miles-per-hour speed zone along this street from the north to the south City limits. On motion of Councilman Culbertson, Walton second, the City Council introduced Ordinance No. 773 establishing a 35 miles-per-hour speed zone on Cherokee Lane as recommended.

ORDINANCES

UNIFORM BLDG.
CODE 1964 ED.

ORD. NO. 770
ADOPTED

ORDINANCE NO. 770, entitled "AN ORDINANCE ADOPTING THE 'UNIFORM BUILDING CODE,' 1964 EDITION, VOLUMES I AND III, REGULATING THE ERECTION, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF LODI; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF, AND REPEALING SECTIONS 5-1, 5-2, and 5-3 OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH" having been introduced at the regular meeting of September 2, 1964, was brought up for passage on motion of Councilman Dow, Culbertson second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - CULBERTSON, DOW, KIRSTEN,
WALTON and BROWN

NOES: Councilmen - None

REZONE N/S
KETTLEMAN
BTW HAM AND
FAIRMONT

ORDINANCE NO. 771, entitled "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PROPERTY ON THE NORTH SIDE OF KETTLEMAN LANE BETWEEN HAM LANE AND FAIRMONT AVENUE TO BE IN THE C-P COMMERCIAL-PROFESSIONAL OFFICE DISTRICT" having been introduced at the regular meeting of September 2, 1964,

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ORD. NO. 771
ADOPTED

was brought up for passage on motion of Councilman Dow, Kirsten second. Second reading was omitted after reading by title and the ordinance was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen - CULBERTSON, DOW, KIRSTEN,
WALTON and BROWN

NOES: Councilmen - None

HOTEL-MOTEL
OCCUPANCY TAX

ORD. NO. 772
ADOPTED

ORDINANCE NO. 772, entitled "AN ORDINANCE IMPOSING A TAX UPON THE PRIVILEGE OF TRANSIENT OCCUPANCY AND PROVIDING FOR THE COLLECTION THEREOF" having been introduced at the regular meeting of September 2, 1964, was brought up for passage on motion of Councilman Culbertson, Dow second, after reading by title only and waiving second reading by unanimous vote on motion of Councilman Culbertson, Dow second. The ordinance was then passed, adopted, and ordered to print by the following vote:

AYES: Councilmen - CULBERTSON, DOW and BROWN

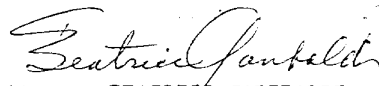
NOES: Councilmen - KIRSTEN and WALTON

MEETING WITH
RECREATION COM.

Mr. Graves said the Recreation Commission would like to have a meeting with the City Council to discuss Lodi Lake Park. The Council agreed on October 28 as a tentative date.

ADJOURNMENT

There being no further business, the Council adjourned at 10:10 p.m. on motion of Councilman Dow.


Attest: BEATRICE GARIBALDI
City Clerk